

TRAVERSAL

For the reasons provided hereinbelow, the Restriction Requirement is respectfully **traversed**.

“Since requirements for restriction under 35 U.S.C. 121 are discretionary with the Commissioner, it becomes very important that the practice under this section be carefully administered.” M.P.E.P. §803.01.

1. The above-identified application is an application pursuant to 37 C.F.R. §1.53(d)

The **prior application** was filed under 35 U.S.C. §371 and 37 C.F.R. §§1.494 or 1.495, being based upon international application No. PCT/JP99/01441, having an International filing date of March 22, 1999.

However, a **Continued Prosecution Application (CPA) Request Transmittal** was filed on February 26, 2003 along with a Request for Reconsideration. 37 C.F.R. §1.53(d).

In this regard, the Restriction Requirement of January 25, 2008 has **failed** to apply the principles found within M.P.E.P. §806.04 in making this Restriction Requirement. Instead, the Restriction Requirement refers to the principles of “**unity of invention**” of PCT Rule 13.1 (Restriction Requirement at page 2).

As a result, Restriction Requirement of January 25, 2008 is **improper** at least for this reason.

But even if the principles of “**unity of invention**” are applicable, M.P.E.P. §1893.03(d) provides that the **principles of unity of invention** are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application.

When making a lack of unity of invention requirement, the examiner must:

- (1) List the different groups of claims; and
- (2) Explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. M.P.E.P. §1893.03(d).

List the different groups of claims:

Species I – allegedly drawn to the first inventive embodiment wherein a liquid crystal display comprising a plurality of driver circuits, said plurality of driver circuits including at least one general driver circuit and one remainder driver circuit, the quantity of the general driver circuit output terminals is different than the quantity of the remainder driver circuit output terminals (claims 25-29, 31, 37, 43-48, and 71-78, the specification at Figure 5, and page 13, line 6, through page 15, line 9).

Species II – allegedly drawn to a liquid crystal display comprising a plurality of driver circuits, each of said plurality of driver circuits having a plurality of driver circuit output terminals, the quantity of the driver circuit output terminals is the same quantity for each of the plurality of driver circuits (claims 49-70, the specification at Figure 6, and page 15, line 10, through page 18, line 19).

Explain why each group lacks unity with each other group:

The Restriction Requirement of January 25, 2008 asserts that the species are independent or distinct because the species do not overlap in scope, i.e., are mutually exclusive; the species are not obvious variants; and the species each have a materially different design, mode of operation, function, and effect (Restriction Requirement at page 4).

The Restriction Requirement of January 25, 2008 further asserts that the species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species (Restriction Requirement at page 4).

The Restriction Requirement of January 25, 2008 also asserts that these species are not obvious variants of each other base on the current record (Restriction Requirement at page 4).

In response to these assertions, attention is drawn to the **Petition under 37 C.F.R. §1.144 filed on February 27, 2002**. Specifically, pages 3-7 found within the Petition of February provide the following:

The background description within the specification provides that if a general driver IC is used for the signal lines, a surplus occurs. This surplus is depicted in figure 1 as the extra output lines for the rightmost driver IC 101 (specification page 2, line 21 to page 3, line 6). Thus, a disclosed the special technical feature includes a liquid crystal display which can realize a narrow width in the horizontal direction of the liquid crystal display panel in case of using an external driver IC (specification as originally filed at page 3, lines 18-24).

Specifically, regarding claim 1, page 14, line 27 to page 15, line 2 of the specification provides that a surplus connecting region which does not contribute to the image display does not occur on the liquid crystal panel. Regarding claim 3, page 16, lines 22-24 of the specification also provides that a surplus connecting region which does not contribute to the image display does not occur on the liquid crystal panel. Thus, the special technical feature of a surplus connecting region which does not contribute to the image display does not occur on the liquid crystal panel is the basis for both independent claim 1 and independent claim 3.

Claim 2 and newly added claims 21-22 are dependent upon claim 1. Claim 1 is characterized in that when the plurality of driver circuits are arranged in order while the numbers of output terminals of the driver circuits are set to a same number so as

to have a correspondence relation with each of the signal lines of the plurality of columns, if a fraction occurs in the signal lines of the plurality of columns, the number of output terminals of one of the plurality of driver circuits is set to the fraction.

Referring to figure 5 for the features of claim 1, when a plurality of driver circuits 14 are arranged in order while the numbers of output terminals of the driver circuits 14-1 to 14-25 are set to a same number. For example, the numbers of output terminals of the driver circuits 14-1 to 14-25 are shown in figure 5 as 120 output terminals. As shown in figure 2, the numbers of output terminals of the driver circuits 14 has a correspondence relation with each of the signal lines 12 of the plurality of columns. Referring again to figure 5 for the features of claim 1, if a fraction occurs in the signal lines of the plurality of columns, the number of output terminals of one of plurality of driver circuits is set to the fraction. For example, the numbers of output terminals of the driver circuit 14-26 are shown in figure 5 as 72 output terminals (specification page 13, line 20). Thus, the special technical feature of a surplus connecting region which does not contribute to the image display does not occur on the liquid crystal panel has been provided within claim 1 (specification page 14, line 27 to page 15, line 2).

Claims 4-20 and newly added claims 23-24 are dependent upon claim 3. Claim 3 is characterized in that the number of output terminals of each of the plurality of driver circuits is set to a measure of the total number of signal lines of the plurality of columns.

Referring to figures 6, 7 and 13 for the features of claim 3, the number of output terminals of each of the plurality of driver circuits is set to a measure of the total number of signal lines of the plurality of columns. For example, the numbers of output terminals of each driver circuit 14 are shown in figure 6 as 512 output terminals (specification page 15, line 19 to page 16, line 6). As an additional

example, figures 7 and 13 include time-division switch 46. Thus, the special technical feature of a surplus connecting region which does not contribute to the image display does not occur on the liquid crystal panel has been provided within claim 3 (specification page 16, lines 22-24).

As shown hereinabove, the special technical feature of a surplus connecting region which does not contribute to the image display does not occur on the liquid crystal panel is the basis for both independent claim 1 and independent claim 3. Thus, a unity of invention exists and restriction is improper.

As to claims 4-9, claims 4-9 were the withdrawal of from consideration. The Restriction Requirement of August 17, 2001 asserts that the alleged Group 1 invention includes claims 4-9, while the alleged Group 2 invention includes claims 3 and 10-20. Note that claims 4-9 are dependent upon claim 3 and that claims 10-20 are also dependent upon claim 3. Dependent claims 10-20, being dependent upon claim 3, include the special technical features of independent claim 3. Likewise, dependent claims 4-9, also being dependent upon claim 3, include the special technical features of independent claim 3. Thus, a unity of invention exists and restriction is improper.

The non-final Office Action mailed on June 6, 2002 indicated the *persuasiveness* of the Petition filed on February 27, 2002 and *withdrew* the Restriction Requirement of August 17, 2001.

In view of this withdrawal of the Restriction Requirement of August 17, 2001 found within the non-final Office Action of June 6, 2002, the Restriction Requirement of January 25, 2008 *fails* to explain why the alleged Species I and II now lack unity with each other.

Thus, the Restriction Requirement of January 25, 2008 is improper at least for these reasons provided hereinabove.

2. No burden to the Examiner

The Restriction Requirement of January 25, 2008 asserts that there is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics (Restriction Requirement at page 4).

In response, the claims originally presented and acted upon by the Office on their merits determine the invention elected by an applicant in the application. M.P.E.P. §818.02(a).

Here, claims 25-29, 31, 37 and 43-66 were present in the Fourth and Fifth Amendments After Final Rejection Under 37 C.F.R. § 1.116 filed on July 22, 2004.

The non-final Office Action of November 30, 2006 withdrew the rejections made in Final Office Action of November 4, 2003, entered the Fourth and Fifth Amendments, and reopened prosecution with new grounds of rejection. As a result, the non-final Office Action of November 30, 2006 includes an examination on the merits of claims 6, 25-29, 31, 37 and 43-66 with claims 6, 25 and 49 being independent.

Thus, claims 6, 25-29, 31, 37 and 43-66 were presented and acted upon by the non-final Office Action of November 30, 2006 on their merits. See M.P.E.P. §818.02(a).

M.P.E.P. §821.03 is related to claims for a different invention added after an Office Action.

As a reply to the Office Action of November 30, 2006, an Amendment in Response to Non-Final Office Action was filed on March 28, 2007. The Amendment includes the cancellation of claim 6 along with the addition of claims 67-70 (which are dependent upon presently existing claim 49) and claims 71-78 (which are dependent upon presently existing claim 25).

In this regard, the Restriction Requirement of January 25, 2008 *fails* to show that the Restriction Requirement is based upon claims for a different invention added after the non-final November 30, 2006. Thus, M.P.E.P. §821.03 is also not applicable.

Upon review of the above, it is readily apparent that features found within alleged Species I and II have been previously examined on the merits. Yet, the Restriction Requirement of January 25, 2008 seeks to make a Restriction Requirement among features found within the claims *that have already been searched and examined.*

Because the features found within the claims have been previously acted upon on merits within the Office Actions prior to the Restriction Requirement of January 25, 2008, the search and examination of an entire application can be made without serious burden.

A review of the file history for the above-identified application reveals the following.

The **Office Action mailed on August 17, 2001** includes a **Restriction Requirement** under 35 U.S.C. § 121 and 371. In particular, the Restriction Requirement of August 17, 2001 lists:

- Group 1, claims 1-9, drawn to the number of output terminals of each of the plurality of driver circuits (Classified in 345/204: Display Driving Control Circuitry);
- Group 2, claims 3 and 10-20, drawn to time-divisionally sending a signal potential which is outputted from each of the plurality of driver circuits to the signal lines of the plurality of columns (Classified in 345/94: LCD Waveform Generation).

The Restriction Requirement of August 17, 2001 additionally lists:

- Species 1, drawn to the number of output terminals of each of the plurality of driver circuits (see Figures 2-6, Page 9, Line 1 - Page 17, Line 19);

- Species 2, drawn to time-divisionally sending a signal potential which is outputted from each of the plurality of driver circuits to the signal lines of the plurality of columns (see Figures 7, Page 17, Line 19 - Page 46, Line 17).

The **non-final Office Action mailed on September 28, 2001** acknowledged the traversal of Restriction Requirement filed on September 17, 2001 and made the Restriction Requirement of August 17, 2001 FINAL.

The **Petition under 37 C.F.R. §1.144 filed on February 27, 2002** requested review of the finality of Restriction Requirement made by the Examiner in the Office Action of September 28, 2001. The Petition of February 27, 2002 is incorporated herein by reference.

Specifically, page 6 of the Petition of February 27, 2002 provides that:

As shown hereinabove, the special technical feature of a surplus connecting region which does not contribute to the image display does not occur on the liquid crystal panel is the basis for both independent claim 1 and independent claim 3. Thus, a unity of invention exists and restriction is improper.

The **non-final Office Action mailed on June 6, 2002** indicated the persuasiveness of the Petition filed on February 27, 2002 and **withdrew** the Restriction Requirement of August 17, 2001.

An **examination of claims 1-39** can be found within the Office Action of June 6, 2002.

In response to the Office Action of June 6, 2002, the **Request for Reconsideration filed on September 16, 2002** includes the cancellation of claims 4 and 8-9 along with the addition of claims 40-42. As a result, claims 1-3, 5-7, and 10-42 remained present in the above-identified application.

The **Final Office Action mailed on September 29, 2002** indicates the final rejection of claims 1-3, 5-7, and 10-42.

In response to the Office Action of September 29, 2002, a **Request for Reconsideration was filed on February 26, 2003** along with a Continued Prosecution Application (CPA) Request Transmittal. The Request for Reconsideration of February 26, 2003 includes the cancellation of claims 1-2, 10, 12, 21-22, 30, 32-36, and 38-42 along with the addition of claims 43-48. As a result, claims 3, 5-7, 11, 13-20, 23-29, 31, 37, and 43-48 remained present in the above-identified application with claims 5-7, 11, 13-20, and 23-24 being dependent upon claim 3 and claims 26-29, 31, 37, and 43-48 being dependent upon claim 25.

The **non-final Office Action mailed on May 21, 2003** indicates the rejection of claims 3, 5-7, 11, 13-20, 23-29, 31, 37, and 43-48.

In response to the Office Action of May 21, 2003, the **Reply Under 37 C.F.R. §1.111 To Non-Final Office Action filed on August 20, 2003** includes an amendment to claim 3.

The **Final Office Action mailed on November 4, 2003** indicates the final rejection of claims 3, 5-7, 11, 13-20, 23-29, 31, 37, and 43-48.

Subsequent to the final rejection of November 4, 2003:

- An **Amendment After Final Action (37 CFR Section 1.116) has been filed on February 4, 2004** along with a Notice of Appeal.
- The **Advisory Action of February 25, 2004** indicated that the Amendment After Final Rejection Under 37 C.F.R. § 1.116 of February 4, 2004 had not been entered.
- A **Second Amendment After Final Rejection Under 37 C.F.R. § 1.116** and a **Third Amendment After Final Rejection Under 37 C.F.R. § 1.116** have been **filed on March 8, 2004**.

- An **Appellants Brief** was filed on April 2, 2004 (first Appeal Brief).
- The **Advisory Action of July 21, 2004** indicated that the Second and Third Amendments After Final Rejection Under 37 C.F.R. § 1.116 had not been entered. A **FIRST NOTICE OF NON-COMPLIANT BRIEF** mailed along with the Advisory Action of July 21, 2004 asserts the Appellants Brief of April 2, 2004 as being a non-compliant Appeal Brief.
- The **Fourth and Fifth Amendments After Final Rejection Under 37 C.F.R. § 1.116** were filed on July 22, 2004 along with a **revised Appellants Brief** (second Appeal Brief).
- The **Advisory Action of October 21, 2004** indicated that the Fourth and Fifth Amendments After Final Rejection Under 37 C.F.R. § 1.116 had not been entered. A **SECOND NOTICE OF NON-COMPLIANT BRIEF** mailed along with the Advisory Action of October 21, 2004 asserts the Appellants Brief of July 22, 2004 as being a non-compliant Appeal Brief.
- Another **revised Appellants Brief** was filed on October 29, 2004 (third Appeal Brief).
- **More than one-year** after the filing of the October 29, 2004 filing of the **revised Appellants Brief**, a **THIRD NOTICE OF NON-COMPLIANT BRIEF** mailed on November 21, 2005 asserts the Appellants Brief of October 29, 2004 as being a non-compliant Appeal Brief.
- Yet another **revised Appellants Brief** was filed on December 13, 2005 (fourth Appeal Brief).
- **More than seven months** after the filing of the December 13, 2005 filing of the **revised Appellants Brief**, a **FOURTH NOTICE OF NON-COMPLIANT BRIEF** mailed on

July 21, 2006 asserts the Appellants Brief of December 13, 2005 as being a non-compliant Appeal Brief.

- Another **revised Appellants Brief** was filed on August 17, 2006 (fifth Appeal Brief).
- In response to the **fifth** Appellants Brief of August 17, 2006 and after the **FOURTH Notice of Non-compliant Brief**, the **non-final Office Action of November 30, 2006** **withdrew** the rejections made in Final Office Action of November 4, 2003, **entered** the Fourth and Fifth Amendments After Final Rejection Under 37 C.F.R. § 1.116 filed on July 22, 2004, and **reopened prosecution with new grounds of rejection**. In this regard, the non-final Office Action of November 30, 2006 includes an **examination on the merits** of claims 6, 25-29, 31, 37 and 43-66 with claims 6, 25 and 49 being independent.
- In response to the Office Action of November 30, 2006, an **Amendment in Response to Non-Final Office Action was filed on March 28, 2007**. The Amendment includes the cancellation of claim 6 along with the addition of claims 67-70 (which are dependent upon claim 49) and claims 71-78 (which are dependent upon claim 25).
- In response to the Amendment of March 28, 2007, a **FIRST Notice of Non-Compliant Amendment** was mailed on July 2, 2007.
- In response to the first Notice of Non-Compliant Amendment, a first revised **Amendment in Response to Non-Final Office Action was filed on July 10, 2007**.
- As a reply to the Amendment of July 10, 2007, a **SECOND Notice of Non-Compliant Amendment** was mailed on October 5, 2007.

- In response to the second Notice of Non-Compliant Amendment, a **second** revised **Amendment in Response to Non-Final Office Action was filed on October 26, 2007.**
- As a reply to the second revised Amendment of October 26, 2007, a **Restriction Requirement was mailed on January 25, 2008.**

The Restriction Requirement of January 25, 2008 **failed** to show that the features found within the claims presented subsequent to the non-final Office Action of **November 30, 2006** are directed to an invention distinct from and independent of the invention previously found within the claims then existing prior to the non-final Office Action of **September 17, 2001.**

Thus, the Restriction Requirement of January 25, 2008 **fails** to show the presence of an examination and search burden.

3. **Classification of art**

The Restriction Requirement of January 25, 2008 additionally asserts that the species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph (Restriction Requirement at page 4).

In response, practice and procedures within USPTO also dictate that not only must the art be searched within which the invention claimed is classifiable, but also all analogous arts regardless of where classified. M.P.E.P. § 904.01(c).

As shown hereinabove, the search and examination of an entire application can be made without serious burden, and the examiner must examine it on the merits, even though the application may include claims to distinct or independent inventions. M.P.E.P. §803.

4. Conclusion

Withdrawal of the Restriction Requirement of January 25, 2008 and examination of all pending claims is respectfully requested.

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Respectfully submitted,

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